

REMARKS

Claims 8 and 12-13 are objected to for being unclear, claims 1-7, 9-11 and 14-21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Maggenti et al. (U.S. Patent Number 6,477,150, hereinafter "Maggenti"), and claims 8 and 12-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Maggenti in view of Official Notice. Respectfully disagreeing with these objections and rejections, reconsideration is requested by the applicants. Nonetheless, the applicants have amended independent claim 1 to more clearly highlight the patentability of the present invention over the prior art.

Claims 8 and 12-13 are objected to for being unclear. In the present claim amendments, claim 8 has been incorporated into claim 1. The Examiner asserts that it is unclear how arrival times are normalized. However, the applicants refer to the specification, page 13, first paragraph, which reads (emphasis added):

If no call is in progress at block 408, at block 412 the server determines if multiple requests have been received for the group. If not, control proceeds to block 420. If so, the server must first arbitrate between the calls before selecting one to proceed. At block 414, the dispatch call server normalizes the arrival times for the multiple PTT requests. Normalization is based on the respective network delays experienced by each request. This information may be determined in any suitable manner for each request, such as using the ping function or by counting router hops experienced by each request. In addition, other priorities are evaluated. For example, if the network implements a police communication network, the host associated with the chief of police may be given priority over other communications.

Therefore, the applicants submit that a person of skill in the art would understand how arrival times may be normalized given an example such as that above.

Regarding the rejection of claim 8, now incorporated into independent claim 1, the Examiner takes Official Notice that "arbitrating according to the time a requester makes the request is well known in the art." The applicants disagree with the Examiner and assert that it is **NOT** well-known to arbitrate communication among a group according to the time a requester makes the request. Rather, the applicants would submit that it is known to arbitrate communication according to the time a request **arrives** instead of the time a requester makes the request. The applicants submit that the Examiner's assertion is substantially the same as taking official notice of the fact

that normalizing arrival times is well known in the art. The applicants submit that a system either has to ensure time synchronization across all the requesters (i.e., all the requesters can accurately report when they made their request) or it needs to normalize all the delays to determine when each requester made its request. Again, the applicants disagree with the Examiner and assert that it is **NOT** well-known to arbitrate communication among a group according to the time a requester makes the request. Therefore, the applicants request that the Examiner provide documentary evidence of the Examiner's Official Notice findings in accordance with MPEP 2144.03(c).

Regarding the rejection of independent claims 11 and 18, the Examiner relies on Maggenti. Independent claim 11 recites "at a dispatch call server...wherein one host at a time is allowed to transmit **IP messages comprising voice** communications to the other hosts of the network, at the dispatch call server, **arbitrating the IP messages** originating from the plurality of competing hosts" (emphasis added). Independent claim 18 recites "receiving a **request comprising voice** communications to communicate from one host on the network" (emphasis added). Thus, claims 11 and 18 recite communication requests that comprise voice communications.

The applicants do not see where the Examiner asserts that Maggenti teaches such language. In fact, the applicants submit that Maggenti actually teaches away from what claims 11 and 18 recite. For example, Maggenti col. 6, lines 11-23, reads (emphasis added):

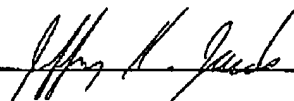
In one embodiment, the means for requesting the transmission privilege comprises a push-to-talk (PTT) key or switch. When a user in communication system 200 desires to transmit information to other net members, the push-to-talk switch located on his or her CD is depressed, sending a request to obtain the transmission privilege from communication manager 218. If no other net member is currently assigned the transmission privilege, the requesting user is granted the transmission privilege and is notified by an audible, visual, or tactile alert through the CD. After the requesting user has been granted the transmission privilege, information may then be transmitted from that user to the other net member.

Since none of the references cited, either independently or in combination, teach all of the limitations of independent claims 1, 11 or 18, or therefore, all the limitations of their respective dependent claims, it is asserted that neither anticipation nor a prima facie case for obviousness has been shown. No remaining grounds for rejection or objection being given, the claims in their present form are asserted to be patentable

over the prior art of record and in condition for allowance. Therefore, allowance and issuance of this case is earnestly solicited.

The Examiner is invited to contact the undersigned, if such communication would advance the prosecution of the present application. Lastly, please charge any additional fees (including extension of time fees) or credit overpayment to Deposit Account No. 502117 -- Motorola, Inc.

Respectfully submitted,
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